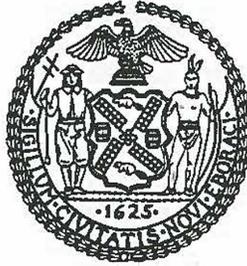


THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007



November 9, 2018

National Telecommunications and Information Administration
United States Department of Commerce
1401 Constitution Avenue, NW, Room 4725
Washington, DC 20230
Attention: Privacy RFC

Re: Docket No. 180821780-8780-01 – NTIA Request for Comment on Developing the Administration’s Approach to Consumer Privacy

Dear Sir or Madam:

We, collectively, the Chief Privacy Officer (“CPO”), General Counsel to the Department of Information Technology and Telecommunications (“DoITT”) and Cyber Command (“NYC3”), and the interim Chief Technology Officer (“CTO”) of the City of New York, welcome the opportunity to comment in response to the request from the National Telecommunications and Information Administration (“Administration”) for public comment on Developing the Administration’s Approach to Consumer Privacy.

We agree with the Administration that a desired outcome of any consumer privacy framework should be an “informed user, empowered to meaningfully express privacy preferences.” Such an outcome might be achieved by requiring organizations to adopt transparent privacy policies that are easily accessed, easy to understand, adequately inform consumers of what uses will be made of their information, and contain a number of rights for consumers to exercise, including the ability to choose what an organization and any third parties can or cannot do with their personal information.

We also support the Administration in pursuing a consumer privacy regulatory landscape that is “flexible, strong, predictable, and harmonized.” Such an effort might enable consumers to have better and clearer privacy expectations, in addition to reducing certain burdens placed on private organizations. When balancing these interests, however, we believe the Administration should favor legal clarity and strong baseline protections for consumers. While we recognize the need for a degree of flexibility in any approach to information privacy, a strong, predictable, and

harmonized consumer privacy regulatory landscape should maximize privacy outcomes for the individuals whose personal information is at stake.

The Administration's interest in protecting consumer privacy is very much aligned with the City of New York's approach and commitment to advancing privacy protection for New Yorkers. The City is responsible for protecting the health, safety, and general welfare of its millions of residents and visitors, and facilitating equitable access to necessary services across this immense population. Both the City of New York and its populace benefit when individuals can seek and access important services, such as but not limited to public safety and health services, with confidence that their personal information will be appropriately and responsibly protected. Balancing individual privacy interests with the need to share information across agencies—and leveraging advances in technology to efficiently and effectively deliver City services—requires highly robust and consistent data privacy and security protections across City agencies and with our external partners. To that end, the City of New York has advanced a comprehensive privacy and security framework, along with several key initiatives:

- Mayoral appointment of a CPO to centrally oversee the privacy protection of New Yorkers in how City agencies and certain contractors and subcontractors collect and use identifying information. The CPO heads a newly created Mayor's Office of Information Privacy, and is tasked with implementing Local Laws 245 and 247 of 2017 (together, the Identifying Information Law) and issuing citywide privacy protection policies and protocols thereunder.¹
- NYC3, headed by the New York City Chief Information Security Officer, making publicly available a free mobile threat protection application known as NYC Secure and strengthening guest and free public Wi-Fi networks with Quad9 DNS-based cybersecurity.
- DoITT working to ensure that the City's premier free public Wi-Fi system, LinkNYC, provides an internet experience that protects user privacy.
- The Mayor's Office of the CTO working with our public libraries to provide staff at every branch library that can answer patrons' questions about digital privacy. The CTO's office has also advanced efforts to increase privacy protections for users of municipal broadband services and released a report titled Truth in Broadband: Access and

¹ The Identifying Information Law is codified as Section 8(h) of the New York City Charter and Sections 23-1201 through 23-1205 of the New York City Administrative Code.

Connectivity in New York City, which identifies privacy as one of five core principles for broadband service, along with equity, performance, affordability, and choice.²

- The New York City Council, at the request of the Mayor, is considering a bill, Introduction No. 1101-2018 “Protecting cable provider customers’ personally identifiable information,” that would eliminate the unrestricted collection and use of New Yorkers’ personally identifiable information by cable providers. The bill is focused on a specific category of companies that are locally-authorized – the ones that provide the on-ramp to the internet for an estimated 1.8 million New York City households³ and are the only broadband option for more than two-thirds of our residents.⁴

These efforts and resources exemplify, consistent with the Administration’s goals, a holistic approach to privacy protection that harmonizes legislative, consumer education, administrative solutions, and new technical tools which collectively help to ensure consistent privacy protection practices across the City, while at the same time supporting the flow of important business operations and encouraging innovation.

We believe that a “flexible, strong, predictable, and harmonized” federal framework for consumer privacy can serve as a model for setting baseline consumer privacy protection efforts on the state and local level across the country, especially given the myriad complex and often siloed federal, state, and local laws and regulations governing information privacy. Moreover, we believe that a strong, clearly articulated national standard on consumer privacy protection will help to promote the public’s confidence and trust in their government.

We thank the Administration for offering the opportunity to comment on Developing the Administration’s Approach to Consumer Privacy.

Respectfully submitted,



Laura Negrón
Chief Privacy Officer, City of New York
General Counsel, NYC Mayor’s Office of Operations & Office of Information Privacy

² See NYC Mayor’s Office of the Chief Technology Officer, NYC Connected, Truth in Broadband: Access and Connectivity in New York City (April 2018) at 24-25, available at <https://tech.cityofnewyork.us/wp-content/uploads/2018/04/NYC-Connected-Broadband-Report-2018.pdf>.

³ Estimated based on data from the *American Community Survey*, United States Census Bureau (2015).

⁴ Estimated based on data from the United States Federal Communications Commission. See NYC Connected, Truth in Broadband: Access and Connectivity in New York City Report, *supra* note 2.



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and NYC Cyber Command**



Alby Bocanegra

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